



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

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Indianapolis, Indiana 46204
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August 18, 2008

Ms. Louise Gross
Legislation/Clean Air Act
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3950

Re: Supplemental Information
Clean Air Act Section 110(l)
Demonstration and State Implementation
Plan Revisions for Clark and Floyd
Counties, Indiana

Dear Ms. Gross:

The Indiana Department of Environmental Management (IDEM) has performed a legal review of the applicable statutory procedure for implementation of a vehicle inspection and maintenance (I/M) program in Clark and/or Floyd counties. This review was conducted at your request in order to further explain how this procedure works in conjunction with the Clean Air Act Section 110(l) Demonstration and State Implementation Plan (SIP) Revision, such that I/M would be a viable contingency measure for the applicable attainment and maintenance SIPs (fine particles and ozone). Based on this legal review, Indiana statute does in fact permit the State of Indiana the authority to timely implement a vehicle I/M program whenever necessary as a contingency measure in conjunction with the federal sanctions process. Enclosed for your review, please find supplemental information prepared by IDEM's legal staff that supports Indiana's interpretation of its statutory authority to reinstitute I/M whenever necessary as a contingency measure.

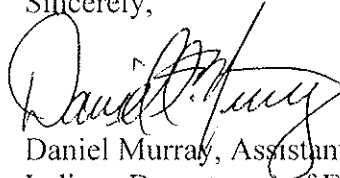
IDEM believes that this supplemental information in conjunction with the Clean Air Act 110(l) demonstration, provides the necessary weight of evidence to demonstrate that I/M is a viable contingency measure for the applicable attainment and maintenance SIPs. IDEM also believes that its non-interference demonstration submitted to the U.S. EPA with a request for parallel processing on October 10, 2006 and a final submission on November 15, 2006 to support the discontinuation of the I/M program in Clark and Floyd Counties, Indiana remains valid, with no adverse impacts evident for the area.

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Therefore, IDEM hereby respectfully requests that the U.S. EPA proceed with final review and approval of the Clean Air Section 110(l) Demonstration for Clark and Floyd Counties. If you have any questions or need additional information, please contact Scott Deloney, Chief, Air Programs Branch, at (317) 233-5694 or sdeloney@idem.in.gov or Ann Long, Attorney, Office of Legal Counsel, at (317) 232-8551 or along@idem.in.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Murray", is written over the typed name.

Daniel Murray, Assistant Commissioner
Indiana Department of Environmental Management

DM/sd/ghf

Attachments

cc: Cheryl Newton, U.S. EPA
John Mooney, U.S. EPA
Scott Deloney, IDEM
Chris Pedersen, IDEM
Gale Ferris, IDEM
Ann Long, IDEM